

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1 and 20-22 are currently being amended.

Claims 25-27 are withdrawn and currently amended.

After amending the claims as set forth above, claims 1-4 and 6-27 are now pending in this application of which Claims 1 and 21-25 are independent and Claims 10-19 and 25-27 are withdrawn.

Miscellaneous

A. Copy of 1449

A copy of the missing form 1449 is included with this response.

B. Dependency of Claim 20

Claim 20 has been amended to remove the dependency from Claim 5.

Claim Rejections – 35 USC § 112

Claims 21, 26, and 27 were rejected under 35 USC § 112, second paragraph on page 3 of the Office Action. Amendments to claims 21, 26, and 27 are believed to overcome these rejections.

Claim Rejections – 35 USC § 102

A. Claims 1, 3, and 6 by Effenberger

Claims 1, 3, and 6 were rejected under 35 USC § 102(b) on page 4 of the Office Action as anticipated by Effenberger et al. (5,230,937). Claim 1 recites a composite “having two compositionally distinct opposing faces.” This element has been added to the body of the claim to emphasize this element of Claim 1. This amendment is not believed to change the

scope of Claim 1. Effenberger does not teach that a composite has two compositionally distinct opposing faces in combination with the other elements of Claim 1. Rather, Effenberger teaches that the faces are compositionally the same. See Col. 4, lines 7-10 and 35-38. Since Effenberger fails to teach at least one element of Claim 1, Effenberger does not anticipate Claim 1. Claims 3 and 6 depend from Claim 1 and would be allowable for at least the same reasons as Claim 1.

B. Claims 1-4, 6, and 21 by Knox

On page 6 of the Office Action, Claims 1-4, 6, and 21 were rejected under 35 USC § 102(b) as being anticipated by Knox et al. (5,217,797). Claim 1 recites “a reinforcement consisting of glass fibers.” Knox et al. does not teach this element of Claim 1 in combination with the other elements of Claim 1. The portion of Knox et al. cited in the Office Action recites “single plies can be woven from ePTFE fiber combined with other fibers (such as quartz, glass, aramids, or nylon).” In Knox, ePTFE forms an important component of the single ply. Thus, while Knox may teach plies comprising glass fibers, Knox et al. does not teach a reinforcement consisting of glass fibers as recited in Claim 1. Since Knox et al. fails to teach at least one element of Claim 1, Knox et al. does not anticipate Claim 1. Claims 2-4 and 6 depend from Claim 1 and would be allowable for at least the same reasons as Claim 1.

Claim 21 has been amended to clarify that it is directed to a belt. As implicitly recognized in the Office Action, Knox et al. fails to teach a belt having the limitations of Claim 21. Thus, Claim 21 is believed to be allowable over Knox et al.

Claim Rejections – 35 USC § 103

Claims 1, 7-9, 20, and 22-24 were rejected on page 8 of the Office Action over Effenberger et al. (5,230,937) in view of Knox et al. (5,217,797) and Petropolus et al. (5,021,109).

A. Claims 1, 7-9, 20, and 22

As discussed above, neither Effenberger et al. nor Knox et al. teach every element of Claim 1. Further, nothing in the combinations of these references would teach or suggest the elements missing from either of these references.

Specifically, nothing in Knox et al. teaches or suggests modifying the material of Effenberger to have compositionally distinct faces. Knox et al. appears to be directed to replacing the use of two compositionally different diaphragms with one diaphragm that serves the purpose of both of the diaphragms that it is replacing. Col. 2, lines 5-46. To this end, Knox et al. appears to teach replacing the PTFE diaphragm and the elastomeric diaphragm with a single diaphragm including an elastomeric face and a PTFE face. Since Effenberger does not teach or suggest that such a problem exists with respect to its expansion joint fabric (i.e. that two different expansion joints are needed) the solution of Knox et al. is inapplicable to the problem of Effenberger et al.

Also, Knox et al. was clearly aware of the availability of fiberglass as a material from which a ply could be woven and specifically did not teach weaving a ply consisting of fiberglass. Rather Knox et al. teaches using a combination of ePTFE and glass fibers. Col. 3, lines 48-50. Arguing that one of ordinary skill in the art would have been motivated by Effenberger et al. to modify Knox et al. to weave a ply consisting of fiberglass where Knox et al. was not so motivated despite being aware of the existence of such fibers would be an exercise of impermissible hindsight.

Petropolis et al. likewise does not remedy the deficiencies of the combination of Knox et al. and Effenberger et al.

Since none of the references cited individually or in combination teach or suggest each of the elements of these claims, Claims 1, 7-9, 20, and 22 are believed to be in condition for allowance.

B. Claim 23

Claim 23 recites a belt comprising “an exposed elastomer ... having a thickness of 2 to 50 mils.” None of the cited references teach or suggest an exposed elastomer having a thickness of 2 to 50 mils. Rather, Effenberger teaches an “overcoat layer or layers of (1) a fluoroelastomer or a perfluoroelastomer.” Col. 4, lines 15-16. Effenberger does not recite a particular thickness for this overcoat layer. Such overcoat layers may typically be about 1/10 of a mil in thickness which is well below the range claimed in Claim 23.

Knox et al. likewise fails to teach or suggest an exposed elastomer having a thickness of 2 to 50 mils. Knox et al. teaches that the elastomer layer be 4.2 mm thick (~166 mils) which is well outside the range claimed in Claim 23.. Col. 8, lines 44-46.

None of Effenberger et al., Knox et al., and Petropolus et al. individually teach or suggest all of the elements of Claim 23, nor does the combination of these references teach or suggest all of the elements of Claim 23. Thus, withdrawal of the rejection of Claim 23 is respectfully requested.

C. Claim 24

Claim 24 recites a belt “wherein the weight ratio of the reinforcement to the perfluoropolymer coating is 50:50” in combination with other elements. The Office Action does not recite that any of Knox et al., Effenberger et al., and Petropolus et al. teach or suggest this element of Claim 24. If it is felt that these references do teach or suggest this element, Applicants respectfully request that this be pointed out with more specificity. Since Applicants believe that since none of the references individually or in combination teach or suggest a belt “wherein the weight ratio of the reinforcement to the perfluoropolymer coating is 50:50” in combination with the other elements of Claim 24, that Claim 24 is in condition for allowance.

Withdrawn Claims

Claims 10-19 are withdrawn and depend from Claim 1. Claims 10-19 are requested to be reinstated and found allowable if Claim 1 is found to be allowable.

Claims 25-27 are withdrawn. Claim 25 has elements similar to Claim 23 and is respectfully requested to be reinstated and found allowable if Claim 23 is found to be allowable.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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By 

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